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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,239

09/28/2005

Franz Schuler

10808/206

6476

48581

7590

10/07/2008

BRINKS HOFER GILSON & LIONE/INFINEON
INFINEON
PO BOX 10395
CHICAGO, IL 60610

EXAMINER

SALERNO, SARAH KATE

ART UNIT

PAPER NUMBER

2814

MAIL DATE

DELIVERY MODE

10/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION (continuation of page 1)

The request for reconsideration has been considered but does not place the application in condition for allowance because of the follow reasons:

1. Continuation of 3. NOTE: Claims 15 & 16 have been newly added and raise new issue that would require further consideration and/or search.
2. Applicant argues that the proposed combination of Joy and Lee is invalid because Joy teaches that the isolation structure provided allows for the abutting of the subcollector, base, emitter and resistor junctions to the dielectric material therefore the protrusions above the silicon dioxide layer would not be desirable and hence contrary to the purpose of providing an abutting surfaces. Applicant's arguments are not persuasive because the regions mentioned above are all within the device, and abut the silicon dioxide layer 32 below the surface of the substrate. Therefore the subcollector, base, emitter and resistor junctions abutting the silicon dioxide layer would not be effected by Lee's second silicon dioxide layer above silicon dioxide layer 32.
3. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

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the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lee discloses that his embodiments, which include the second insulating layer, reduce the occurrence of the inverse narrow width effect as recited in the previous office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah K. Harding whose telephone number is (571) 270-1266. The examiner can normally be reached on M-R 7:30-5:00pm every other F 7:30-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K. S./
Examiner, Art Unit 2814

/Theresa T. Doan/
Primary Examiner, Art Unit 2814